UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

MAILED

Ex parte STEPHEN F. GASS and DAVID J. FULMER

DCT 2. 0 2006

U.S. PATENT AND TRADEMARK OFFICE BOARD OF PATENT APPEALS AND INTERFERENCES

Application No. 10/053,390

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on September 6, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

The Manual of Patent Examining Procedure (MPEP) § 609(C)(2) (Eighth Ed.) in regards to Information Disclosure Statements filed by applicants states in part.:

Examiners must consider all citations submitted in conformance with the rules and this section, and their initials when placed adjacent to the considered citations on the list or in the boxes provided on a form PTO-1449 or PTO/SB/08A and 08B provides a clear record of which citations have been considered by the Office. The examiner must also

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fill in his or her name and the date the information was considered in blocks at the bottom of the PTO-1449 or PTO/SB/08A and 08B form.

Appellants filed a considerable number of Information Disclosure Statements in this application. It seem as though the examiner has inadvertently overlooked six of them. The Information Disclosure Statement (IDS) filed on March 7, 2002, September 6, 2004, December 9, 2004, December 19, 2004, February 27, 2005 and June 4, 2005 have not been initialed next to the documents listed on the 1449s and the IDSs have not been signed and dated as required. Correction is required.

Accordingly, it is

ORDERED that the application is being returned to the Examiner:

(a) for the examiner to properly consider the IDSs filed:

March 7, 2002

September 6, 2004

December 9, 2004

December 19, 2004

February 27, 2005

June 4, 2005

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- (b) for the examiner to send a copy of the properly considered IDS's to appellants, and
- (c) for such further action as may be appropriate.

BOARD OF PATENT APPEALS AND INTERFERENCES

Rv

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